

7-127. Applicability Determinations (1200 TN 406)

1. **AUTHORITY.** To issue determinations pertaining to applicability of a source to 40 CFR Parts 60, 61, and 63 and pursuant to the Clean Air Act, including Section 111(b), 111(d), 111(f), 111(h), 112(d), 112(f) and 112(h).
2. **TO WHOM DELEGATED.**
 - a. The authority to issue applicability determinations under 40 CFR Part 61, Subpart M is delegated to the director, Land and Chemicals Division (LCD), and the associate director, Office of Toxics and Pesticides, LCD.
 - b. The authority to issue all other applicability determinations is delegated to the director, Air Protection Division (APD).
3. **LIMITATIONS.**
 - a. Delegates must provide summaries and copies of the applicability determinations on a quarterly basis to the applicability determination index.
 - b. The LCD delegates must consult with the APD delegatee before exercising these authorities.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level and no further. This authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically delegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR 60.5 and 61.06.
 - b. See How to Review and Issue CAA Applicability Determinations and Alternative Monitoring (NSPS and NESHAPS) manual and any superseding or related guidance documents.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-127. Applicability Determinations, 1200 TN RIII-148 (August 8, 2001).

Date 3/17/2017

Cecil Rodrigues

Acting Regional Administrator